

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, OCTOBER 2, 1995
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Vargas at 2:05 p.m. Deputy Mayor Vargas made a special announcement that in light of the O. J. Simpson trial verdict, the police store-fronts will be open until 9:00 p.m. and the City will also activate the Command Center in the Police Station, telephone 570-1070. The situation will be reevaluated tomorrow. Council members are invited to come in and converse with the Police. Deputy Mayor Vargas adjourned the meeting at 4:52 p.m. into Closed Session on Tuesday, October 3, 1995, at 9:00 a.m. in the twelfth floor conference room to discuss existing and pending litigation.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-excused by R-286570
(Out-of-town City business)
(1) Council Member Mathis-present
(2) Council Member Harvey-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present
Clerk-Abdelnour (ms)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:
(M) Mayor Golding-not present
(1) Council Member Mathis-present
(2) Council Member Harvey-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-present
(6) Council Member Stallings-not present
(7) Council Member McCarty-present
(8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Pastor Robert Houston of the New Hope Friendship Progressive Baptist Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stevens.

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding World Conservation Bank and world conservation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A043-069.)

ITEM-PC-2: REFERRED TO CITY MANAGER AND CITY ATTORNEY

Comment by Orned L. Gabriel regarding not being granted his constitutional and civil rights.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A070-094.)

ITEM-PC-3:

Comment by Warren A. Nielsen regarding actions as a result of his political campaign.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A094-123.)

ITEM-PC-4:

Comment by Deyan Petarovich as rebuttal to comments by Betsy Morris to City Council on September 18, 1995, regarding the Maya Apartments.

FILE LOCATION: AGENDA

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COUNCIL ACTION: (Tape location: A123-179.)

ITEM-PC-5:

Comment by Jose Campos, President of LCEA, awarding to Deputy Mayor Juan Vargas the first Hispanic Vision Award to a public agency, the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A179-201.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Harvey commented that yesterday, on behalf of the City of San Diego, he welcomed a group of children with muscular dystrophy and their parents. They have spent the past 41 days crossing the country to attempt to raise a million dollars for muscular dystrophy. Council Member Harvey praised them for their efforts.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A202-212.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:
09/11/95
09/12/95

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A387-388.)

MOTION BY STALLINGS TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-31:

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SUBJECT: Arts and Humanities Month.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-96-316) ADOPTED AS RESOLUTION R-286344

Proclaiming the month of October 1995 to be "Arts and Humanities Month" in San Diego, and urging all citizens to celebrate the artistic and intellectual freedoms we enjoy and to reflect on the crucial role they play in reinvigorating and renewing our great city and nation every day.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A217-244; A384-387.)

MOTION BY STEVENS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-32:

SUBJECT: "Find Yourself In A Book Month."

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-96-313) ADOPTED AS RESOLUTION R-286345

Recognizing the outstanding contributions that Southwestern Cable TV and United Video have made to improving the lives of all San Diegans through public service announcements as part of the nationwide "Find Yourself In A Book" campaign; Proclaiming October 1995 to be "Find Yourself In A Book Month " in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A244-377; A384-387.)

MOTION BY STEVENS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea,

Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-not present.

* ITEM-50:

SUBJECT: Fees for Responses to Public Record Requests.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
9/11/95. (Council voted 9-0):

(O-96-44) ADOPTED AS ORDINANCE O-18214 (New Series)

Amending Chapter II, Article 2, Division 1, of the San Diego
Municipal Code by amending and renumbering Section 22.0103;
by renumbering Section 22.0104; by amending Section 29.0112;
and by amending Chapter IX, Article 1, Division 3 of the San
Diego Municipal Code by amending Section 91.0304, all
relating to Fees for Responses to Public Record Requests, to
bring the Municipal Code into conformance with current state
law regarding fees charged for copies of public records.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND
ADOPT ORDINANCE. Second by Kehoe. Passed by the following
vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea,
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-not present.

* ITEM-51:

SUBJECT: Refuse Disposal Facilities - Regulations.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
9/11/95. (Council voted 9-0):

(O-96-31) ADOPTED AS ORDINANCE O-18215 (New Series)

Amending Chapter VI, Article 6, Division 1 of the San Diego

Municipal Code by amending Section 66.0124, relating to
Refuse Disposal Facilities - Regulations.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND
ADOPT ORDINANCE. Second by Kehoe. Passed by the following
vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea,
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-not present.

* ITEM-52:

SUBJECT: Proposed Amendment to the Live/Work Quarters (LOFTS)
Ordinance.
(Districts-2,3 and 8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
9/12/95. (Council voted 7-0. Districts 5 and 8 not
present):

(O-96-41) ADOPTED AS ORDINANCE O-18216 (New Series)

Amending Chapter X, Article 1, Division 5, of the San Diego
Municipal Code, by amending Section 101.0570, to allow
Live/Work Quarters throughout Centre City.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND
ADOPT ORDINANCE. Second by Kehoe. Passed by the following
vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea,
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-not present.

* ITEM-53:

SUBJECT: Amendment to the Development Agreement with Catellus
Development Corporation. (District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/12/95. (Council voted 7-0. Districts 5 and 8 not present):

(O-96-42) ADOPTED AS ORDINANCE O-18217 (New Series)

Amending the Development Agreement with Catellus Corporation to facilitate construction of improvements within the Santa Fe Depot Transit Courtyard.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-54:

SUBJECT: Miramar Landfill General Development Plan/Fiesta Island Replacement Project.
(District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/12/95. (Council voted 7-0. Districts 5 and 8 not present):

(O-96-37) ADOPTED AS ORDINANCE O-18218 (New Series)

Repealing Ordinance No. O-18130 (New Series); and Authorizing the City Manager to execute a lease agreement with the United States of America, Department of the Navy, for the lease of land at NAS Miramar for the location of the Miramar Landfill General Development Plan/Fiesta Island Plan/Fiesta Island Replacement Project.

FILE LOCATION: LEAS-United States of America, Department of the Navy LEASFY96-1

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-55:

SUBJECT: Proposal to Lease Space at Catalina Fire Station to Airtouch Cellular. (Point Loma Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/11/95. (Council voted 9-0):

(O-96-30) ADOPTED AS ORDINANCE O-18219 (New Series)

Authorizing the City Manager to execute a 5-year lease agreement with three 5-year options, with Airtouch Cellular for approximately 150 square feet of space at Catalina Fire Station.

FILE LOCATION: LEAS-Airtouch Cellular LEASFY96-1

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-56:

SUBJECT: Water Service for the Twin Hills Park and Surrounding Properties. (Paradise Hills Community Area. District-4.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/11/95. (Council voted 9-0):

(O-96-35) ADOPTED AS ORDINANCE O-18220 (New Series)

Authorizing a perpetual agreement with Sweetwater Authority,
for water service to the Twin Hills Youth Park and
surrounding properties.

FILE LOCATION: WATER-Sweetwater Authority CONTFY96-1

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND
ADOPT ORDINANCE. Second by Kehoe. Passed by the following
vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea,
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-not present.

* ITEM-57:

SUBJECT: Ten Year Extension of Motorola Contract.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
9/18/95. (Council voted 9-0):

(O-96-36) ADOPTED AS ORDINANCE O-18221 (New Series)

Authorizing a third amendment to the agreement with Motorola
Communications and Electronics, Inc., to extend the existing
contract through September 23, 2005.

FILE LOCATION: MEET CONTFY96-1

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND
ADOPT ORDINANCE. Second by Kehoe. Passed by the following
vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea,
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-not present.

* ITEM-58:

SUBJECT: Lease Agreement with Richard L. Gleason and Debra L.
Gleason. (Mission Bay Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-39) INTRODUCED, TO BE ADOPTED OCTOBER 16, 1995

Introduction of an Ordinance authorizing the execution of a 10-year Lease Agreement with Richard L. Gleason and Debra L. Gleason for the operation of Mission Bay Sailing Center located at 1010 Santa Clara Place.

CITY MANAGER SUPPORTING INFORMATION:

The City Council in 1994 authorized exclusive negotiations with Richard and Debra Gleason for a new lease of the Mission Bay Sailing Center on Santa Clara Point. The Gleasons have operated the sailing center since 1980, taking over a City-run facility and turning it into a rent-paying business. The sailing center offers instruction, rentals, and sales of small boats and water sports equipment. Rent to the City averages \$54,000 per year. The new lease has a term of 10 years and provides for the greater of either a \$41,600 annual minimum rent or various percentages of gross income ranging from 1 percent to 10 percent. The percentages for sailing lessons and rentals were reduced from the previous lease to make the Gleasons' programs more competitive with those offered by the nearby nonprofit Mission Bay Aquatic Center. Both the minimum rent and percentages in the new lease are subject to periodic upward adjustment. The proposed lease includes a development plan committing the Gleasons to spend \$141,250 over the next eight years to refurbish the building, dock, and landscaping. The development plan was reviewed and approved by the Mission Bay Park Committee and Park and Recreation Board.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO INTRODUCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-100:

SUBJECT: Assignment of Contractual Rights from U.S. West Cellular to GTE Mobilnet.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-122) ADOPTED AS RESOLUTION R-286346

Authorizing the Assignment of Contractual Rights from U. S. West Cellular to GTE Mobilnet; Authorizing a Consent Agreement to the assignment, for furnishing cellular radio telephone services. (BID-B2420/91)

CITY MANAGER SUPPORTING INFORMATION:

The City has been notified by GTE Mobilnet that it has acquired U. S. West Cellular of San Diego effective July 1, 1995 and has assumed all contracts and contract liabilities for U.S. West Cellular of San Diego as of the acquisition date.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-101:

SUBJECT: Inviting Bids for Construction of the Cabrillo Heights Park Tot Lot. (Serra Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-234) ADOPTED AS RESOLUTION R-286347

Inviting bids for Construction of the Cabrillo Heights Park Tot Lot on Work Order No. 298230; Authorizing a contract with the lowest responsible bidder; Authorizing the expenditure of \$21,930 from Fund No. 18530, Dept. No. 4063, Org. No. 6301, and \$77,200 from Fund 18531, Dept. No. 4091, Org. No. 9104 and No. 9105; Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K96018C)

CITY MANAGER SUPPORTING INFORMATION:

Cabrillo Heights is a developed 13.7 acre Neighborhood Park

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located at 8303 Hurlbut Street between Kearny Villa Road and Afton Road. This project will add a new small children's playground that will be accessible to all children.

Aud. Cert. 9600180.

FILE LOCATION: W.O. 298230 CONT - Court Concepts
CONTFY96-1

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-102:

SUBJECT: Inviting Bids for Construction of the Mission Heights Park Tot Lot. (Linda Vista Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-233) ADOPTED AS RESOLUTION R-286348

Inviting bids for Construction of the Mission Heights Park Tot Lot on Work Order No. 298210; Authorizing a contract with the lowest responsible bidder; Authorizing the expenditure of \$22,480 from Fund No. 18530, Dept. No. 4063, Org. No. 6301, and \$72,800 from Fund No. 18531, Dept. No. 4091, Org. No. 9104; Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K96017C)

CITY MANAGER SUPPORTING INFORMATION:

Mission Heights Park is a developed 11.3 acre neighborhood park located at 1716 Westinghouse Street. This project will enlarge the existing small children's playground to accommodate new equipment and improvements that make the facility accessible to all children.

Aud. Cert. 9600179.

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FILE LOCATION: W.O. 298210 CONT - Shiva Construction
CONFY96-1

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Harvey-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not
present.

ITEM-103:

SUBJECT: Awarding a Contract to Bob Baker Ford for Police Patrol
Vehicles.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-123 REV.1) ADOPTED AS AMENDED AS RESOLUTION R-286349

Awarding a contract to Bob Baker Ford (San Diego, CA)
for 101 Police Patrol Vehicles (1996 Ford Crown
Victoria Police Interceptor) at a cost of \$17,975 each
(includes \$400 per unit early order discount), for a
total estimated cost of \$1,615,982.25, including tax
and terms; In the event the Contractor does not perform
to specifications, the Purchasing Agent is authorized
to terminate the contract and award to the next low
responsive and responsible bidder; Authorizing the
expenditure of not to exceed
\$1,615,982.25 from Fund No. 110, Dept. No. 110,
Organization No. 200, Object Account No. 6010, Job
Order No. 111475; Authorizing the Auditor and
Comptroller, upon advice from the administering
department, to transfer excess budgeted funds, if any,
to the appropriate reserves. (BID-C4863/96) (Three
bids received.)

Aud. Cert. 9600271.

FILE LOCATION: CONT-Purchase-Bob Baker Ford (San Diego,
CA) CONFY96-1

COUNCIL ACTION: (Tape location: C558-D222.)

MOTION BY KEHOE TO ADOPT THE RESOLUTION AS AMENDED TO
INCREASE THE EXPENDITURE FROM \$1,615,982.25 TO

\$1,655,982.25, AND TO DIRECT THE CITY MANAGER TO WITHHOLD UP TO TEN (10) TRADE-IN VEHICLES TO BE USED BY THE VOLUNTEER PATROLS. Second by Stallings. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-104:

SUBJECT: Inviting Bids for the Reconstruction of Peterlynn Avenue Drain. (Otay Mesa-Nestor Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-235) ADOPTED AS RESOLUTION R-286350

Inviting bids for the Reconstruction of Peterlynn Avenue Drain on Work Order No. 112502; Authorizing the execution of a contract with the lowest responsible bidder;

Authorizing the expenditure of \$2,423,500 from CIP-12-084.0, Peterlynn Drive Drain Reconstruction; \$200,000 from TransNet Fund 30300; \$1,978,900 from TransNet Bonds Proceed Fund 30302; and \$244,600 from State and Local Partnership Program; Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves; Authorizing the City Manager to request advance funding from SANDAG through Debt Financing in an amount not to exceed \$1,978,900; Authorizing the City Manager to execute any necessary documents relating to the receipt of the funds from SANDAG; Authorizing the City of San Diego to be responsible for paying its proportionate share of the issuance costs and overall annual debt service requirements of the SANDAG Debt Financing Program and that the costs shall be the first priority use of the City Annual Allocation of TransNet Revenues. (BID-K96022C)

CITY MANAGER SUPPORTING INFORMATION:

The existing storm drain, located at Ransom Street, Marge Way, Illexey Avenue, Mark Wade Drive, Kostner Drive, Marzo Street and Peterlynn Drive is old and deteriorated, creating excessive maintenance efforts to keep the system functioning. This project will replace the storm drain system at the above mentioned locations.

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Aud. Cert. 9600245.

FILE LOCATION: W.O. 112502 CONT - Drainage Construction
Co. Inc. CONFY96-1

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Harvey-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

*** ITEM-105:**

SUBJECT: Three actions related to the Clairemont Drive
(Blackfoot Avenue to Balboa Avenue) Underground Utility District.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-106) ADOPTED AS RESOLUTION R-286351

Designating December 1, 1995, as the date upon which all
property in the Clairemont Drive (Blackfoot Avenue to Balboa
Avenue) Underground Utility District must be ready to
receive underground service and February 1, 1996, as the
date for the removal of all overhead utility facilities.

Subitem-B: (R-96-107) ADOPTED AS RESOLUTION R-286352

Authorizing the City Auditor and Comptroller to open Fund
No. 78074 for the purpose of depositing Public Utilities
Commission Case 8209 Utility Undergrounding Allocation Funds
for the Clairemont Drive (Blackfoot Avenue to Balboa Avenue)
Underground Utility District; Authorizing the City Treasurer
to receive these funds from the San Diego Gas & Electric
Company; Authorizing payment to all property owners in the
Clairemont Drive (Blackfoot Avenue to Balboa Avenue)
Underground Utility District as reimbursement for electrical
service underground conversion work done on private property
whenever the required length of trenching exceeds one foot;
Authorizing the City Auditor and Comptroller to return to
SDG&E any undisbursed funds upon written notice from San
Diego Gas & Electric Company to the City that all electric
service conversions within a particular district have been
completed.

Subitem-C: (R-96-110) ADOPTED AS RESOLUTION R-286353

Authorizing the expenditure of not to exceed \$77,054 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028, TransNet Fund 30300, for the purpose of administering the underground utility district, minor City Force work and other related work.

CITY MANAGER SUPPORTING INFORMATION:

The Clairemont Drive (Blackfoot Avenue to Balboa Avenue) Underground Utility District was created by the City Council on October 27, 1992. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set December 1, 1995 as the Customer Ready Date, which will require that, upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish February 1, 1996 as the Pole Removal Date, which will require that, upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 Funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit only up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500.

Aud. Cert. 9600063.

FILE LOCATION: STRT-K-207

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-106:

SUBJECT: Street Dedication - Del Sol Boulevard and Dennery Road.
(Located southerly of the I-805/Palm Avenue interchange. Otay
Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-247) ADOPTED AS RESOLUTION R-286354

Accepting five grant deeds of: Robert Roy Combs and James
Emerson Logan; Palm 805 Investment Associates Limited, L.P.,
(two deeds); Wal-Mart Stores, Inc.; and George N. Coleman,
Burt A. Rees and Wayne P. Lill, Trustees, and 805
Properties, granting to the City easements for public street
purposes in Parcel 2 of Parcel Map PM-17082, in a portion of
the Northeast Quarter of Section 25, Township 18 South,
Range 2 West, San Bernardino Meridian, in Lot 12 of Palm
Promenade, Map-13071, in Parcel 2 of Parcel Map PM-17530,
and in Lots 6 and 14 of Palm Promenade, Map-13071;
Dedicating and naming the same Del Sol Boulevard and Dennery
Road.

FILE LOCATION: DEED F-6584 DEEDFY96-1

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Harvey-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-107:

SUBJECT: Excusing Councilmember Barbara Warden from attending
the Council meeting of 9/12/95 and from the 9/13/95 NRC&A
Committee meeting.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-96-268) ADOPTED AS RESOLUTION R-286355

Excusing Councilmember Barbara Warden from attending the
Council meeting of September 12, 1995 and from the September

13, 1995 NRC&A Committee meeting, due to official City business travel to Washington, D.C. to lobby in opposition to a Federal Border Crossing Fee with the Economic Development Corporation, Greater San Diego Chamber of Commerce, Otay Mesa Chamber of Commerce, San Diego Dialogue, the San Diego Padres, and other individual businesses from the San Diego region.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-108:

SUBJECT: Excusing Deputy Mayor Juan Vargas from the Council Meeting of 9/12/95.

DEPUTY MAYOR VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-96-291) ADOPTED AS RESOLUTION R-286356

Excusing Deputy Mayor Juan Vargas from attending the regular Council Meeting of September 12, 1995.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-109:

SUBJECT: Establishing a Two-Hour Unmetered Time-Limit Parking Zone on Horizon Way. (La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-257 COR. COPY, REV. 1) ADOPTED AS AMENDED AS
RESOLUTION R-286357

Establishing a parking time limit of two hours between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on Horizon Way; Authorizing the installation of the necessary signs and markings; Declaring that the imposed regulations shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

Property owners along Horizon Way have submitted a favorable petition (representing 80 percent of the abutting property owners) requesting that a two-hour unmetered time-limit zone be established on the north side of Horizon Way near La Jolla Shores Drive and on the east side of Horizon Way after the bend near Ellentown Road. The zone would be effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted. Recent studies indicate the average parking occupancy to be 95 percent and the average parking duration to be 8.2 hours. This proposed area is adjacent to the University of California, San Diego and receives a high level of enforcement. This meets the requirements of Council Policy 200-4. Therefore, this parking restriction is recommended for implementation.
Conrad/Loveland/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D222-234.)

MOTION BY MATHIS TO ADOPT THE RESOLUTION WITH THE FOLLOWING CHANGES: (1) INSTEAD OF READING "ON THE EAST SIDE OF HORIZON WAY" IT SHOULD READ "ON THE NORTH AND EAST SIDE OF HORIZON WAY"; (2) ADD "SATURDAYS, SUNDAYS AND CERTAIN HOLIDAYS EXCEPTED" INSTEAD OF "SUNDAYS AND CERTAIN HOLIDAYS EXCEPTED". Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-110:

SUBJECT: Establishing a Two-Hour Time Limit Parking Zone on El

Cajon Boulevard.
(Mid-City Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-290) ADOPTED AS RESOLUTION R-286358

Establishing a parking time limit of two hours, effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the south side of El Cajon Boulevard between Alice Street and 59th Street; Authorizing the installation of the necessary signs and markings.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes a two-hour time limit parking zone on the south side of El Cajon Boulevard between Alice Street and 59th Street. The proposed time limit parking zone was petitioned by property owners representing 100 percent of the affected frontage. Two-hour parking limitation is common throughout the area and receives a high level of enforcement. Accordingly, extending the two-hour time limit zone to this block is recommended.

Conrad/Loveland/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-111:

SUBJECT: Integrating Community Policing Into Law Enforcement Academy Curriculum Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-245) ADOPTED AS RESOLUTION R-286359

Authorizing the City Manager to apply for and, if selected, to accept and expend funds provided by the National Institute of Justice to fund staff to analyze the Law Enforcement Academy curriculum and recommend modifications which will integrate community policing as a common theme throughout the curriculum; Authorizing the City Manager to execute all aspects of program operation for a period of up to five years, provided funding is made available by the United States Department of Justice and/or the National Institute of Justice.

Aud. Cert. 9600205.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-112:

SUBJECT: Grant Funds from the United States Department of the Interior, Bureau of Reclamation. (San Pasqual Valley Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-306) ADOPTED AS RESOLUTION R-286360

Authorizing the City Manager to apply for, accept and expend grant funds from the United States Bureau of Reclamation, under Public Law 102-575, to facilitate the implementation of the City of San Diego's Water Reclamation Program; Authorizing the City Manager to accept the grant funds allocated among the City of San Diego, City of Escondido, Padre Dam Municipal Water District, Otay Water District, City of Poway and County Water Authority based on total projected construction expenditures for the subject Federal Fiscal Year.

CITY MANAGER SUPPORTING INFORMATION:

The California Surface Water Treatment Rule (SWTR) in Title 22,

Code of Regulations, Article 7, Section 64665, requires all public water suppliers to perform sanitary surveys for their water supply watersheds with the first reports due January 1, 1996. The purpose is to determine existing and potential contamination hazards to the City's water sources and the need for corrective actions. In order to more fully utilize the City's Water Resources assets a Groundwater Basin Management Plan is being developed. Various water resources shall be analyzed for potential basin recharge with ultimate extraction and use as a potable water source. The management plan Scope of Work includes basin modeling, preliminary facility planning and public outreach. The public outreach work shall include interaction with all stakeholders affected by the project. Development of local sources of potable water is an important strategy to ensure supply to San Diego at reasonable costs.

* ITEM-112: (Continued)

Aud. Cert. 9600321.

WU-S-96-191.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D234-387.)

MOTION BY STALLINGS TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-nay, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-not present.

* ITEM-113:

SUBJECT: Mid-City Area Police Station Fixtures.
(Mid-City Community Area. Districts-3,4 & 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-264) ADOPTED AS RESOLUTION R-286361

Authorizing the Auditor and Comptroller to transfer not to exceed \$100,000 from CDBG Fund 18530, Department 4064, Organization 6403, to CIP-36-057.0, Mid-City Area Police Station; Authorizing the expenditure of not to exceed \$100,000 from CIP-36-057.0, CDBG Fund 18530, Department

4062, Organization 6229, Job Order 406229, for the purpose of providing fixtures for the Mid-City Area Police Station.

CITY MANAGER SUPPORTING INFORMATION:

Mid-City Area Police Station is scheduled to open during this fiscal year. One hundred thousand dollars is still needed to purchase fixtures for this facility. This request is to transfer \$100,000 from CDBG Funds available from the Citywide Category, Fund 18530, Department 4064, Organization 6403, to CIP-36-057.0 (Mid-City Area Police Station) to fund this need.

Aud. Cert. 9600264.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-114:

SUBJECT: Mid-City Area Police Station Furnishings.
(Mid-City Community Area. Districts-3, 4, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-244) ADOPTED AS RESOLUTION R-286362

Authorizing the City Auditor and Comptroller to transfer from Capital Outlay Fund 30245, CIP-36-044.0, Police Firearms Training Facility, an amount not to exceed \$104,904.78, to CIP-36-057.0, Mid-City Area Police Station; Authorizing the City Auditor to transfer from Capital Outlay Fund 30245, CIP-33-052.0, Police/Fire Academy - Fire Department Portion, an amount not to exceed \$147,088.56, to CIP-36-057.0, Mid-City Area Police Station; Authorizing the expenditure of an amount not to exceed \$251,993.34, from Capital Outlay Fund 30245, CIP-36-057.0, for the purpose of providing furniture, fixtures, and equipment for the Mid-City Area Police Station.

CITY MANAGER SUPPORTING INFORMATION:

Mid-City Area Police Station is scheduled to open during this fiscal year. Approximately \$352,000 of additional funding is still needed to purchase furnishings, fixtures and equipment for this facility. This request is to re-appropriate the unencumbered balances in CIP-36-044.0 (Police Firearms Training Facility) and CIP-33-052.0 (Police/Fire Academy), which total \$251,993.34, into CIP-36-057.0 (Mid-City Area Police Station) to partially fund this need. These two CIP's were established to provide funding for a combined Police/Fire Academy Training Facility in the Tierrasanta Area. This is no longer a viable project.

Aud. Cert. 9600168.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Harvey-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-115:

SUBJECT: City of San Diego vs. Calmex Manufacturing, Inc.
(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-299) ADOPTED AS RESOLUTION R-286363

Authorizing the City Manager to execute a stipulated judgement and payment plan with Calmex Manufacturing, Inc.

CITY MANAGER SUPPORTING INFORMATION:

On December 10, 1993, Calmex failed to make their property tax and special assessment district payment. By March 20, 1995, their cumulative delinquency exceeded the City's \$7,500 threshold for commencing a judicial foreclosure. At that time the City Council approved a Manager's request to commence a foreclosure action against the delinquent parcel. On May 8, 1995, the City's foreclosure counsel, Warren Diven of Brown, Diven & Hentschke, filed a complaint to foreclose and sell the parcel in the

Superior Court of California. The Superior Court Judge scheduled a "Progress Conference" for Friday, September 8, 1995. In preparation for the "Progress Conference," the City staff and retained counsel proposed a "Stipulated Judgement" in which the City, Calmex, Bank of America and the Superior Court would agree to the following payment plan: 1. Calmex will pay monthly payments of \$1,462.51 for 12 consecutive months, commencing with the payment due October 1, 1995. These payments include the delinquent assessments, penalties, interest, administrative costs and attorney's fees.

2. During the term of the payment plan, Calmex will furnish the City with proof that the property tax installments (which include the special assessment district payment) due on December 10, 1995 and April 10, 1996 were paid to the County of San Diego.

3. If a default occurs, the City will give notice to Bank of America within twenty days of the default. Bank of America will have the opportunity to bring the delinquencies current.

4. In case of default, Calmex Manufacturing, Inc. and Bank of America have agreed that the City may submit an Ex-Parte Application to the Superior Court for a decree of foreclosure and order of sale. The benefit to the City in entering into this proposed stipulated judgement and payment plan is:

1. The special assessment district begins receiving the payments on the delinquent assessments immediately. The (a) trial; (b) judgement; (c) notice of levy; (d) statutory waiting periods; (e) notice of sale; and (f) statutory publications are deferred. This process can take nine months to bring a delinquent property to the point where they can conduct a Marshal's sale. At the sale, there is no guarantee that the Marshal will receive a minimum bid or any bid at all.

2. The time and money required for trial and the subsequent Marshal's sale is deferred during the month-to-month payment program. If Calmex complies with the stipulated judgement, they avert the trial and Marshal's sale.

3. The scheduled future payments that come due during the payment program (December 10, 1995 and April 10, 1996), require the submittal of a proof of payment to maintain the stipulated agreement.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.

Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-116:

SUBJECT: Two actions related to Third Amendment to the Agreement with Black & Veatch regarding the San Pasqual Reclamation Facility. (San Pasqual Valley Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-296) ADOPTED AS RESOLUTION R-286364

Authorizing a third amendment to the agreement with Black & Veatch for engineering services related to the San Pasqual Reclamation Facility; Authorizing the transfer of not to exceed \$109,470, from Water Fund 41500 - Unallocated Reserve, Program Element 70679, to CIP-73-290.0, San Pasqual Water Reclamation Facility, and an amount not to exceed \$110,000 from Sewer Fund 41506 - Unallocated Reserve, Program Element 70697, to CIP-46-151.0, San Pasqual Reclamation Facility; Authorizing the expenditure of not to exceed \$219,470, consisting of \$109,470 from Water Fund 41500, CIP-73-290.0, San Pasqual Water Reclamation Facility, and \$110,000 from Sewer Revenue Fund 41506, CIP-46-151.0, San Pasqual Water Reclamation Facility.

Subitem-B: (R-96-297) ADOPTED AS RESOLUTION R-286365

Stating for the record that the City of San Diego as Lead Agency has reviewed and considered Environmental Impact Report DEP-87-0750, and Addendum DEP-89-0344, including any comments received during the public review process, in connection with the San Pasqual Reclamation Facility.

CITY MANAGER SUPPORTING INFORMATION:

On October 8, 1984, the City of San Diego entered into an Agreement(R-261697) with Black and Veatch to provide engineering services for the Total Resource Recovery Program. On July 2, 1990, Amendment No. 1 (R-276051) to this agreement was approved by the City Council for the design of additional facilities not anticipated with the original program. On August 9, 1993, Amendment No. 2 (R-282476) to this Agreement was approved by the City Council for additional work necessitated by

an excessive time lapse between completion of design and commencement of construction, and by unforeseen site conditions, including encountering archeological resources and culturally sensitive areas. This Amendment No. 3 to Agreement is required to close out the Agreement by adjusting the consultant's fee to correspond to actual overhead rates exhibited during the years of work as stipulated in the original Agreement. Agreement adjustments are also dictated by jointly funded improvements to the San Pasqual Reclamation Facility.

Aud. Cert. 9600258.

FILE LOCATION: MEET CCONT FY96-1

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Harvey-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-117:

SUBJECT: Enterprise Community Initiative Implementation.
(Districts-3, 4, 7 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-282) ADOPTED AS RESOLUTION R-286366

Authorizing the City Manager to enter into a Memorandum of Agreement between the City of San Diego, the State of California and the Federal Government, to facilitate release of Social Service Block Grant Funds and to take further action as required by the Memorandum of Agreement.

CITY MANAGER SUPPORTING INFORMATION:

In June of 1994, the City submitted an application for Federal Empowerment Zone or Enterprise Community designation pursuant to Resolution R-283371, adopted February 7, 1994. In December of 1994, the City was informed that it had received an Enterprise Community designation which provides a one time Social Service Block Grant of \$2.95 million, tax-exempt bond financing, and priority for other federal and state funds for programs serving the designated neighborhoods. The City's application included a

strategic plan which incorporated a budget for spending the \$2.95 million. Before these funds can be released by the State of California to the City, the proposed Memorandum of Agreement must be executed between the 3 parties (City, State and Federal governments). Subsequent to the MOA, the City and State must execute an agreement regarding fiscal requirements. Additional bench marking of programs and activities in the Enterprise Community area, establishment of a governance structure to oversee the 10 year Enterprise Community effort, and regular reports regarding accomplishments are also required. Council authorization for the City Manager to take all necessary implementation steps will facilitate mitigation of San Diego's Enterprise Community Program.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Harvey-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-118:

SUBJECT: School for Success - San Diego Innovative Pre-School
Project Inc. (Golden Hill Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-292) ADOPTED AS RESOLUTION R-286367

Authorizing an agreement with San Diego Innovative
Pre-School Project, Inc., for design and renovation of its
kindergarten classroom at 1845 30th Street;

Authorizing the expenditure of an amount not to exceed
\$30,000 from CDBG Fund 18531, Dept. 4082, J.O. 112588.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Innovative Pre-School Project Inc., is a non-profit research based pre-school and kindergarten for 3, 4, and 5 year olds. It was established in 1991 to prove that race, culture, place of residence, and socioeconomic status do not predestine children to under achievement. The pre-school's major emphasis

is on reading readiness, social development, multi-cultural awareness, self esteem building, computer technology, and family involvement. San Diego Innovative Pre-School Project is proposing to renovate a vacant 800 sq.ft. building to be used as an additional kindergarten classroom. On May 1, 1995, Council adopted Resolution R-285685 granting \$30,000 of Fiscal Year 1996 CDBG Funds for this project. This action will allow the \$30,000 to be used for this project.

Aud. Cert. 9600283.

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Harvey-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-119:

SUBJECT: Amendment No. 1 to the Agreement with San Diego County Water Authority for the Relocation of San Diego 13 Flow Control Facility.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-273) ADOPTED AS RESOLUTION R-286368

Authorizing a first amendment to the agreement with the San Diego County Water Authority, to provide for the relocation of San Diego 13 Flow Control Facility and for the sale of a portion of the Paradise Mesa Crosstie; Authorizing the City Auditor and Comptroller to accept the receipt of funds from the San Diego County Water Authority in the estimated amount of \$533,000 and deposit the funds in Water Operating Fund 41500.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego County Water Authority (CWA) has recently completed construction of a new treated water aqueduct (Pipeline 4) and will soon be converting the existing aqueduct (Pipeline 3) to raw water. The City is currently served from Pipeline 3 by CWA's San Diego 13 Flow Control Facility (SD-13 FCF) and the City's

Paradise Mesa Crosstie (PMXT). CWA desires to transfer City service to Pipeline 4 and to purchase the intervening portion of the PMXT to serve the Otay Water District. The City has also incurred engineering costs to upgrade the PMXT (in the section proposed for sale) to meet CalTrans standards for the proposed State Route 125 freeway. CWA is willing to reimburse the City for those costs.

WU-U-96-193.

FILE LOCATION: WATER-San Diego County Water Authority
CONFY96-1

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Harvey-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-120:

SUBJECT: Construction Change Order No. 5 for the Modification of
University Heights Reservoir.
(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-279) ADOPTED AS RESOLUTION R-286369

Approving Change Order No. 5, dated August 4, 1995, issued in connection with the contract with Orion Construction Corporation, amounting to a net increase in the contract price of \$410,860; Authorizing the City Auditor to transfer \$445,860 within Water Revenue Fund 41500, CIP-73-277.0, Annual Allocation - Standpipe and Reservoir Restorations, to CIP-73-273.0, Modification of University Heights Reservoir; Authorizing the expenditure of not to exceed \$445,860 from Water Revenue Fund 41500, CIP-73-273.0, Modification of University Heights Reservoir, to fund this change order and supplement the financing of construction contingencies authorized by Council in Resolution R-284101 on June 20, 1994.

CITY MANAGER SUPPORTING INFORMATION:

On June 20, 1994, by Resolution R-284101, the City Council approved the plans and specifications and authorized the execution of a contract for the rehabilitation of the University Heights Reservoir. The construction contract for the Modification of University Heights Reservoir was awarded to Orion Construction Corporation for the amount of \$2,084,330, on September 14, 1994. This request is for approving Construction Change Order No. 5, for extra work at a lump sum and an increase in bid item quantity not to exceed \$410,860 for the additional work requested by the City and an additional \$35,000 which was added for construction engineering. Major repair items include: removal and replacement of 3 columns, repair of 1 column; an existing 30-inch gate valve in Oregon Street, found to be leaking, replaced along with vault improvement; and an existing 6-inch cast iron water main replaced with 8-inch PVC.

Aud. Cert. 9600281.

WU-U-95-182.

FILE LOCATION: CONT-Orion Construction Corporation
 contfy96-1

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Harvey-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-121:

SUBJECT: Renewal of the Personal Services Agreement with The
Flannery Group for Legislative Advocacy Services.

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-96-317) ADOPTED AS RESOLUTION R-286370

Authorizing a renewal of the Personal Services Agreement
with The Flannery Group, through September 30, 1996, under
the same terms and conditions as the current agreement
(Document RR-285524); Declaring that the City Council, or
appropriate committee of the City Council, will review the
renewed agreement, and the contractor's performance, prior
to the August 1996 Legislative Recess.

RULES COMMITTEE'S RECOMMENDATION:

On 9/11/95, Rules voted 4-0 to forward the item to Council with the recommendation to renew The Flannery Group contract until September 30, 1996, using the current agreement; and review The Flannery Group contract before the August 1996 legislative recess. (Councilmembers Kehoe, Warden, Stallings, and Mayor Golding voted yea. Councilmember Vargas not present.)

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: D388-499.)

MOTION BY HARVEY TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-150:

SUBJECT: Request for Proposals (RFP) and Evaluation Process for Telecommunications Infrastructure. (See Memorandum from the City Manager dated 8/17/95; see City Manager Report CMR-95-195.)
TODAY'S ACTION IS:

Adoption of the following resolution:

(R-96-162) ADOPTED AS RESOLUTION R-286371

Approving the Request for Proposals (RFP) to provide Telecommunications Infrastructure, evaluation criteria and selection process; Requesting the San Diego Data Processing Corporation to issue the RFP on behalf of the City of San Diego.

RULES COMMITTEE'S RECOMMENDATION:

On 9/11/95, Rules voted 4-0 to refer the item to Council with a recommendation to authorize San Diego Data Processing Corporation to issue the Telecommunications Request for Proposal. (Councilmembers Kehoe, Warden, Stallings and Mayor Golding voted yea. Councilmember Vargas not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.

Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-200:

SUBJECT: Cops Ahead Federal Crime Act Grant.

CITY MANAGER'S RECOMMENDATION: Adopt the following resolution:

(R-96-260) ADOPTED AS RESOLUTION R-286372

Authorizing the City Manager to accept grant funding from the United States Department of Justice, Office of Community Oriented Policing Services, under the Violent Crime Control and Law Enforcement Acts of 1994, for the program called Cops Ahead (Community Oriented Policing Services Accelerated Hiring, Education and Deployment), to provide partial funding for 14 new police officers to augment community policing; Authorizing an agreement with the United States Department of Justice to expend and manage grant funds for the program; Authorizing the City Manager to execute the grant agreement, including all aspects of program operation and expenditures; Authorizing the City Manager to provide all matching funds as required under this program.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-201:

SUBJECT: Phase II of Interim Agreement for the Convention Center Expansion. (See City Manager Report CMR-95-222. Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-285 Cor.Copy) ADOPTED AS RESOLUTION R-286373

Authorizing the City Manager to execute Phase II of an Interim Agreement with the Design/Build Team of Centex Golden-Turner; Authorizing the City Auditor to expend an amount not to exceed \$3,150,000 from CIP-37-0101.0, Convention Center Expansion, Fund 102212, to fund design/build expenditures for the Convention Center Expansion project through November 1995.

Aud. Cert. 9600311.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: B329-C406.)

MOTION BY STEVENS TO ADOPT THE RESOLUTION AND REQUEST THE CITY MANAGER COME BACK TO COUNCIL BY THE END OF NOVEMBER WITH A REPORT ON THE FINANCING PLAN. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-202:

SUBJECT: First Amendment to the Pro Kids Golf Academy Lease. (See City Manager Report CMR-95-225. Colina del Sol Park. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-287) ADOPTED AS RESOLUTION R-286374

Authorizing a First Amendment to the Percentage Lease with Pro Kids Golf Academy, Inc., reducing the rent to \$600 per year in connection with the operation of the Colina del Sol Golf Course, and updating other standard provisions of the lease; Authorizing and approving the waiver of \$2,164 in past due rent from National Golf & Tennis, Inc., the previous operator of Colina del Sol Golf Course.

FILE LOCATION: LEAS-Pro Kids Golf Academy, Inc.
LEASFY96-1

COUNCIL ACTION: (Tape location: C406-495.)

MOTION BY McCARTY TO ADOPT. Second by Stallings. Passed by

the following vote: Mathis-yea, Harvey-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-not present.

ITEM-203:

SUBJECT: Consideration of the Housing Trust Fund's Three-Year
Program Plan (FY95-FY97) and Fiscal Year 1996 Implementation
Strategy. (See Housing Commission Report HCR-95-126.)

HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-96-104) ADOPTED AS RESOLUTION R-286375

Approving the San Diego Housing Trust Fund Three-Year
Program Plan (FY1995 - FY1997) and Fiscal Year 1996
Implementation Strategy.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B174-328; B344-345.)

MOTION BY WARDEN TO ADOPT THE RESOLUTION. DIRECT STAFF TO
NOT USE THE LANGUAGE ON PAGE 2 OF THE HOUSING TRUST FUND'S
REPORT 95-22 "REPAYMENT MAY BE WAIVED IF IT IS DEEMED
INFEASIBLE" IN THE THREE-YEAR PROGRAM PLAN DESCRIPTION.
Second by Stevens. Passed by the following vote:
Mathis-yea, Harvey-nay, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-not
present.

ITEM-204:

SUBJECT: Two actions related to Inviting Bids for Mission Bay
South Shores - Phase III. (Mission Bay Community Area.
District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-17) ADOPTED AS RESOLUTION R-286376

Inviting bids for the Mission Bay South Shores - Phase III

on Work Order No. 220243; Authorizing the City Manager to establish contract funding phases, based on the actual low bid submitted, and to execute a contract with the lowest responsible bidder, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure under the contract are, or will be, on deposit in the City Treasury; Authorizing the Auditor and Comptroller to transfer \$203,553 from CIP-22-024.2, South Shores Development - Phase II, Capital Outlay - Other Fund No. 302453, \$350,000 from Fiesta Island Sludge Mitigation Fund No. 10507, and \$1,800,000 from CIP-21-834.0, Balboa Park/Mission Bay Requirements, San Diego Facilities and Equipment Construction Fund No. 91101 (following the issuance of Certificates of Participation Bonds) to CIP-22-024.3, South Shores Development - Phase III; Authorizing the expenditure of \$4,149,188 from CIP-22-024.3, South Shores Development - Phase III; \$203,553 from Capital Outlay Other - Fund No. 302453, \$2,145,635 from Fiesta Island Sludge Mitigation Fund No. 10507, and \$1,800,000 from San Diego Facilities and Equipment Construction Fund No. 91101 (following issuance of Certificates of Participation bonds), provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury.
(BID-K96010C)

Subitem-B: (R-96-18) ADOPTED AS RESOLUTION R-286377

Certifying that the information contained in Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program DEP-95-0321 in connection with Mission Bay South Shores - Phase III, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that the Declaration has been reviewed and considered by Council.

CITY MANAGER SUPPORTING INFORMATION:

Mission Bay South Shores - Phase III is located north of Sea World Drive, between Sea World Way and Interstate 5 in Mission Bay Park. This project is consistent with the Mission Bay Master Plan Update, adopted on August 2, 1994. The improvements include two boat boarding docks, a 250-car and trailer parking lot, lighting, irrigation systems, first flush storm drain interceptor systems, landscaping, pedestrian/bicycle paths, park furnishings, entrance road, widening of Sea World Drive to provide a turning lane, a traffic signal and signage. Construction of this project will be phase funded in order to complete on schedule the park improvements, and to facilitate the opening of the boat launching

basin, restrooms and sand beach completed under previous project phases, for public use.

FILE LOCATION: W.O. 220243 CONT - Sierra Pacific West Inc.
CONFY96-1

COUNCIL ACTION: (Tape location: A495-B173.)

MOTION BY HARVEY TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-205:

SUBJECT: Fourth Amendment to the Agreement with the United States International Boundary & Water Commission for Use of the Tijuana Emergency Connection. (See City Manager Report CMR-95-224. San Ysidro and Tijuana River Valley Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-269) ADOPTED AS RESOLUTION R-286378

Authorizing a fourth amendment to the Memorandum of Agreement of July 22, 1991, with the United States International Boundary & Water Commission, for use of the Tijuana emergency connection to the metropolitan sewerage system, to extend the agreement until September 30, 1996; Accepting \$450,000 authorized by the U.S. Congress in Federal Fiscal Year 1996 to reimburse the City for costs associated with the treatment of Tijuana sewage; Directing City staff to pursue additional funding alternatives regarding treatment of Tijuana sewage; Directing City staff to provide informational memoranda to the Council on a quarterly basis regarding the status of the Tijuana sewage funding.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: C495-558.)

MOTION BY STALLINGS TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,

Vargas-yea, Mayor Golding-not present.

ITEM-206:

SUBJECT: Declaring a Continued State of Emergency regarding the Discharge of Raw Sewage from Tijuana, Mexico. (San Ysidro and Tijuana River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-96-251) ADOPTED AS RESOLUTION R-286379

Declaring a continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

SUPPORTING INFORMATION:

For more than 60 years, raw sewage from the Republic of Mexico has flowed unabated into the United States plaguing the residents of San Diego. This flow is a serious threat to the region, creating health hazards, forcing the closure of beaches and impacting local businesses. For this reason, the City Council has continued to declare a State of Emergency in the Tijuana River Valley. The solution to this long standing problem is the construction of the International Treatment Facilities. The facilities consist of a 25 million gallon per day (mgd) secondary treatment plant in the United States, canyon collectors in Goat Canyon and Smuggler's Gulch to collect renegade sewage, and the South Bay Ocean Outfall. The status of these projects is as follows:

SOUTH BAY INTERNATIONAL WASTEWATER TREATMENT PLANT

- A. Construction Contract 1 (CC-1) - Site Preparation.
Construction: Completed February 23, 1995 at a cost of \$4,873,615.
- B. Construction Contract 2 (CC-2) - Advanced Primary Facilities. Construction: June 1995 - February 1997.
A Notice to Proceed was issued to Western Summit on June 12, 1995. The contractor is mobilizing equipment and support facilities, establishing temporary utility services, installing security fencing, and removing surcharged soil from the SBIWTP site. The construction is proceeding on schedule. The EPA/IBWC is in the process of preparing two Supplemental Environmental Impact Statements (SEIS). One

will cover interim discharge of effluent until the ocean outfall is completed, and the second will cover alternative methods of secondary treatment. A public scoping meeting for the SEIS for interim discharge was held on August 31, 1995 at 6:00 p.m. at Southwest High School.

- C. Construction Contract 3 (CC-3) - Secondary Treatment Facilities.
Design: December 1993 - December 1995
Construction: On-hold
Due to many concerns raised during the environmental review process regarding the best methodology for secondary treatment, construction of this portion of the project is on hold pending the completion, by the federal government, of a Supplemental Environmental Impact Statement and a decision on the best alternative method for secondary treatment.
- D. Construction Contract 4 (CC-4) - Collection System.
Design: December 1993 - January 1996
Bid Solicitation: February 1996 - April 1996
Construction: May 1996 - May 1997
Design is proceeding.

SOUTH BAY OCEAN OUTFALL

On June 29, 1995, the Surfriders Foundation initiated a lawsuit against the City of San Diego requesting that the City Council's May 22, 1995 approval of the Environmental Impact Report for the South Bay Ocean Outfall be set aside. The law firm of McCutcheon Doyle is handling this lawsuit for the City. The Administrative Record was filed on September 8, 1995.

- A. Package 1 - Special Structures.
Design: Completed May 12, 1995
Revised Design: Complete October 15, 1995
Bid Solicitation: November 16, 1995 - January 3, 1996
Construction:
April 1996 - July 1997

The start of construction of this package has been accelerated in order to coordinate work under this project with work being done in connection with the International Treatment Plant.

- B. Package 2 - Tunnel.
Construction: September 1995 - May 1998
Startup June 1998
A notice of intent to award was issued to Traylor Brothers/Obayashi on September 1, 1995. A notice to proceed is scheduled to be issued on September 28, 1995. A groundbreaking ceremony is tentatively scheduled for October

20, 1995.

- C. Package 3 - Marine Works.
Bid Solicitation: June 15, 1995 - August 15, 1995
Construction: November 1995 - October 1997
The bids were opened on August 29, 1995. The apparent low bidder is Fletcher General Construction from Seattle with a bid of \$36,442,000. A notice of intent to award is scheduled to be issued in November 1995.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A411-492.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Harvey-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-S400:

SUBJECT: Fire Prevention Week.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-96-336) ADOPTED AS RESOLUTION R-286380

Proclaiming the week of October 7 through 15, 1995 to be "Fire Prevention Week" in San Diego; Urging the citizens of this City to participate in fire prevention activities at home, work, and school, and to heed the message: "Watch What You Heat" as the 1995 Fire Prevention Week theme suggests.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A377-387.)

MOTION BY STEVENS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-S401: REFERRED TO CLOSED SESSION

SUBJECT: Conference with Real Property Negotiator - Property Acquisition: In the matter of authorizing the City Manager to negotiate with Mr. Bill Scott representing the owner, the Douglas Allred Company, and Mike Steffen of the City representing the City's interest for property at the southwest corner of State Route 52 and Convoy Street. As a requirement of the Brown Act (California Government Code Section 54956.8) this issue must be listed on the docket for public testimony prior to Council discussion in Closed Session.

TODAY'S ACTION IS:

- 1) Open the Public Hearing and accept testimony from any members of the public who wish to address the Council on this subject;
- 2) Close the public hearing; and 3) Refer the matter to Closed Session on October 3, 1995.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A411-492.)

There were no requests to speak from the public.

CONSENT MOTION BY STALLINGS TO REFER TO CLOSED SESSION.
Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

NON-DOCKET ITEMS:
None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Vargas at 4:52 p.m.

FILE LOCATION: MINUTES

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for the Regular Meeting of Monday, October 2, 1995**

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COUNCIL ACTION: (Tape location: D500-514).